

1 STEVEN B. WOLFSON
2 District Attorney
2 **CIVIL DIVISION**
3 State Bar No. 001565
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8 and Steve Wolfson

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 Marlon Lorenzo Brown,)
12 Plaintiff,) Case No: 2:17-cv-02396-APG-BNW
13 vs.)
14 City Of Las Vegas, Nevada; Las Vegas)
15 Metropolitan Police Department)
15 (LVMPD); Clark County; Clark County)
16 District Attorney's Office; Steve)
16 WOLFSON; Danae Adams; Bruce Nelson;)
17 Joseph Lombardo; Dante Tromba; Does)
17 and Roes 1-20,)
18 Defendants.)
19

**STIPULATION TO DISMISS
CERTAIN COUNTY DEFENDANTS**

20 Defendants Clark County, the Clark County District Attorney's Office, and Clark
21 County District Attorney Steve Wolfson (the "County Defendants"), represented by Steven B.
22 Wolfson, District Attorney, through Jeffrey S. Rogan, Deputy District Attorney, and Marlon
23 Lorenzo Brown ("Plaintiff"), represented by Michael J. McAvoy-Amaya of McAvoy-Amaya &
24 Revero, Attorneys, hereby stipulate to the following:

25 A. The following defendants shall be dismissed from this matter with prejudice:
26 1) The Clark County District Attorney's Office shall be dismissed because it is a non-
27 suable entity.

1 2) Defendant-prosecutor Danae Adams shall be dismissed because she is immune
 2 from all claims against her due to absolute prosecutorial immunity.
 3 3) Defendant-prosecutor Bruce Nelson¹ shall be dismissed because he is immune
 4 from all claims against him due to absolute prosecutorial immunity.
 5 4) Defendant Steven B. Wolfson, the Clark County District Attorney, shall be
 6 dismissed in his individual capacity from all claims because he is immune from
 7 such claims in his individual capacity due to absolute prosecutorial immunity.
 8 Defendant Wolfson shall remain a defendant in his official capacity only as to
 9 Count 3 (Intentional Infliction of Emotional Distress) and Count 5 (Negligent
 10 Hiring, Training, Supervision and Retention).²

11 B. The following table shall represent all claims against the remaining County
 12 Defendants:

| Count | Claim | Remaining County Defendant(s) |
|--------------|---|--|
| 1 | § 1983 – 4th Amendment | Clark County |
| 2 | § 1983 – 14th Amendment | Clark County |
| 3 | Intentional Infliction of Emotional Distress | Clark County; Steven B. Wolfson in his official capacity |
| 4 | § 1983 – <i>Monell</i> claim | Clark County |
| 5 | Negligent Hiring, Training, Supervision and Retention | Clark County; Steven B. Wolfson in his official capacity |

21 C. Subsequent to the filing and acceptance of this Stipulation, the remaining County
 22 Defendants, Clark County and Steven B. Wolfson, shall be free to file a Motion to
 23 Dismiss the remaining claims and/or defendants.

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 25
 26 ¹ For the sole purpose of effectuating the dismissal of all claims against Defendant-
 27 prosecutors Danae Adams and Bruce Nelson, who have not been served with the Summons
 and Complaint in this matter, the Clark County District Attorney's Office makes a special
 appearance on their behalf.

28 ² County Defendants dispute that Defendant Wolfson may be subjected to a Nevada tort
 claim in his official capacity.

1 D. This Stipulation shall not be interpreted nor construed (a) to prohibit the remaining
2 County Defendants, Clark County and Steven B. Wolfson, from filing a Motion to
3 Dismiss the remaining claims; (b) to indicate that the claims against the remaining
4 County Defendants are meritorious; or (c) as consent to amend the operative Third
5 Amended Complaint to add additional parties or amend existing claims.

6 E. To the extent that any County Defendant has not been served with the summons and
7 complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure, this Stipulation
8 does not serve as a waiver of service nor forfeiture of any personal jurisdiction defense
9 that may be raised by such Defendant(s).

10
11 DATED this 15th day of July, 2022.

12 **CLARK COUNTY**

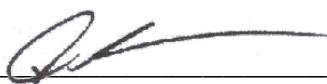
13 By: s/ Jeffrey S. Rogan
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19 *Attorney for Defendants Clark
20 County, the Clark County District
21 Attorney's Office, and Steve
22 Wolfson*

12 **MCAVOY AMAYA & REVERO**

13 By: s/ Michael J. MacAvoy Amaya
14 MICHAEL J. MCAVOY AMAYA
15 Nevada Bar No. 14082
16 TIMOTHY E. REVERO
17 Nevada Bar No. 14603
18 400 S. 4th St., Ste. 500
19 Las Vegas, NV 89101
20 *Attorneys for Plaintiff*

21 **IT IS SO ORDERED.**

22 Dated this 18th day of July, 2022.

23 
24

25 UNITED STATES DISTRICT COURT JUDGE